

**RESPONSE UNDER 37 C.F.R. §1.116
-EXPEDITED PROCEDURE-
EXAMINING GROUP 2166**

Docket No.: E0295.70190US00
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael Kilian et al.
Serial No.: 10/731,790
Confirmation No.: 4910
Filed: December 9, 2003
For: METHOD AND APPARATUS FOR DATA RETENTION IN A
STORAGE SYSTEM
Examiner: K. Pham
Art Unit: 2166

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Dated: May 19, 2010

Signature:  

REQUEST FOR RECONSIDERATION

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed February 23, 2010, Applicant respectfully requests reconsideration. To further the prosecution of this application, each of the rejections set forth in the Office Action has been carefully considered and is addressed below. The application as presented is believed to be in condition for allowance.

The Office Action rejects all currently pending claims (i.e., claims 65-78) under 35 U.S.C. §103(a) as purportedly being obvious over Stuart (2005/0055519) in view of Margolus (2004/0167898). Applicant respectfully traverses this rejection as, for the reasons discussed below, each of claims 65-78 patentably distinguishes over the asserted combination of Stuart and Margolus.

Independent Claim 65

In Applicant's previous response, Applicant noted that neither Stuart or Margolus discloses the limitation of claim 65 that recites that, "a previously-defined retention period for the unit of content is stored in the unit of content."

In response to this argument, the Office Action concedes that Stuart does not disclose or suggest storing a retention period for a unit of content in the unit of content (see Office Action, page 3), but asserts that Margolus discloses this limitation in Figure 2, which is reproduced below.

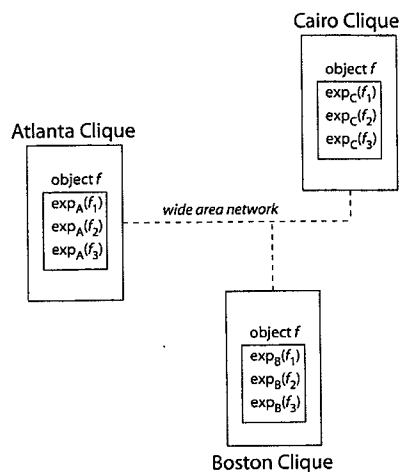


FIG. 2

The Examiner's interpretation of Figure 2 appears to be that the box labeled object f in each of the three cliques shows the content of object f . As each of these boxes includes the expiration time for each version of object f , the Examiner interprets Figure 2 as showing that the content of object f includes the expiration times for each of the three versions of object f .

This interpretation is simply incorrect, as the portion of the specification associated with Figure 2 makes clear that each box in Figure 2 that is labeled object f does not show the content of object f , but rather is the **version list for object f , which is stored external to the content of each of the versions of object f** . Specifically, in ¶101, in connection with the description of Figure 2, Margolus states, "[f]or each of the three versions, f_1 , f_2 , and f_3 , each of the three cliques

independently computes expiration times and stores them in the version list, during a period when the version list is accessible.” Moreover, in ¶101, Margolus states, “[s]ome of the version list [f]or an object f that is represented at each of these three storage sites is shown in the illustration.”

Thus, Margolus very explicitly makes clear that the boxes at each of the three storage sites shown in Figure 2 do not show the content of the object f, but rather show the version list for object f. **If the rejection is to be maintained, clarification is respectfully requested as to why the Examiner believes the boxes at each of the three storage sites in Figure 2 are illustrating the content of the object f, rather than the version list for the object f.**

The storage system of Margolus retains versions of objects. That is, in the system of Margolus, if an object f_1 is stored on the storage system at time t_1 , and a user desires to modify the content of this object at time t_2 , rather than overwriting the content of object f_1 , a new object, object f_2 , is created that includes the modified content (Margolus, ¶¶0094-0096; ¶0099). When the new version of the object (i.e., object f_2) is created, object f_1 would be designated as a historical version of the object, and object f_2 would be designated as the current version of the object (¶¶0094-0095).

The system of Margolus uses a list, referred to as a version list, to track all of the versions of an object (¶0085; ¶0099). The expiration time for each version of the object is **not stored in the content of the object version itself**, but rather is stored in the version list for the object (¶0101).

It is unclear from the Office Action whether the Examiner considers the version list for the object to be part of the content of the object. However, it should be noted that claim 1 requires that the content address for the unit of content be, “generated, at least in part, from at least a portion of the content of the unit of content, and wherein the at least a portion of the content of the unit of content includes the previously-defined retention period.” **To the extent that the Examiner considers the version list for an object to be part of the content of the object, clarification is respectfully requested as to how the Examiner considers the system of Margolus to generate the so-called content address for an object using the expiration information for each version that is stored in the version list.**

In view of the foregoing, it should be appreciated that claim 65 patentably distinguishes over the asserted combination of Stuart and Margolus. Accordingly, it is respectfully requested that the rejection of claim 65 under 35 U.S.C. §103(a) be withdrawn.

Independent Claims 70 and 75

Independent claim 70 is directed to at least one computer readable storage medium encoded with instructions that, when executed on a computer system, perform a method comprising, *inter alia*, “receiving a request, from the host, to delete a unit of content stored on the storage system, ***wherein a previously-defined retention period for the unit of content is stored in the unit of content***, wherein the request identifies the unit of content using a content address generated, at least in part, from at least a portion of the content of the unit of content, and wherein the at least the portion of the content of the unit of content includes the previously-defined retention period (emphasis added).”

Independent claim 75 is directed to a storage system comprising at least one controller that, *inter alia*, “receives a request, from the host, to delete a unit of data stored on the storage system, ***wherein a previously-defined retention period for the unit of content is stored in the unit of content***, wherein the request identifies the unit of content using a content address generated, at least in part, from at least a portion of the content of the unit of content, and wherein the at least the portion of the content of the unit of content includes the previously-defined retention period (emphasis added).”

As should be appreciated from the discussion above, each of claims 70 and 75 patentably distinguishes over the asserted combination of Stuart and Margolus, as neither Stuart nor Margolus discloses or suggests storing the retention period for a unit of content in the unit of content.

Accordingly, it is respectfully requested that the rejection of each claims 70 and 75, under 35 U.S.C. §103(a), be withdrawn.

General Comments On Dependent Claims

Each of the dependent claims depends directly or indirectly from one of the independent claims. For reasons described in detail above, each of the independent claims patentably distinguishes over the references and each of these dependent claims distinguishes over the references at least based on its dependency.

Accordingly, for at least the foregoing reasons, it is respectfully requested that the rejections of claims 66-69, 71-74, and 76-78 be withdrawn.

Because each of the dependent claims depends from a base claim that is believed to be in condition for allowance, Applicant believes that it is unnecessary at this time to argue the allowability of each of the dependent claims individually. However, Applicant does not necessarily concur with the interpretation of the dependent claims as set forth in the Office Action, nor does Applicant concur that the basis for the rejection of any of the dependent claims is proper.